

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4054

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

PASCUAL MARTINEZ, a/k/a Julio, a/k/a Julio
Cruz, a/k/a Julian Sabas-Cruz Carrera,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(CR-02-398)

Submitted: May 30, 2003

Decided: June 19, 2003

Before TRAXLER, KING, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Robert Haley, Assistant Federal Public Defender, Charleston,
South Carolina, for Appellant. Robert Hayden Bickerton, Assistant
United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Pascual Martinez appeals from his conviction and 120-month sentence following a guilty plea to one count of conspiracy to possess with intent to distribute 500 grams or more of cocaine, in violation of 21 U.S.C.A. §§ 841(a)(1), (b)(1) & 846 (West 1999 & Supp. 2003), and one count of conspiracy to import 500 grams or more of cocaine, in violation of 21 U.S.C.A. §§ 952(a), 960(a)(1), (b)(2)(B), & 963 (West 1999 & Supp. 2003). Martinez's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which he raises one issue: whether the plea hearing conducted pursuant to Rule 11 of the Federal Rules of Criminal Procedure was adequate. Finding no reversible error, we affirm.

Because Martinez did not move to withdraw his guilty plea in the district court, this court reviews the Rule 11 proceeding for plain error. United States v. Martinez, 277 F.3d 517, 527 (4th Cir.), cert. denied, 123 S. Ct. 200 (2002). This court indulges a strong presumption that a plea is final and binding if the Rule 11 hearing is adequate. United States v. Puckett, 61 F.3d 1092, 1099 (4th Cir. 1999). We have reviewed the transcript of the hearing conducted before the magistrate judge* and are satisfied that Martinez was afforded the protections of Rule 11. Accordingly, this claim merits no relief.

* Martinez consented to proceed with his guilty plea before a magistrate judge.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Martinez's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED